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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,445	08/27/2001	Joshua Dickinson Kraft	JDK003	3645

7590

11/30/2005

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EXAMINER

AMINI, JAVID A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,445

Applicant(s)

KRAFT, JOSHUA DICKINSON

Examiner

Javid A. Amini

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Reopening of Prosecution

New Ground of Rejection After Appeal or Examiner's Rebuttal of Reply Brief In view of the Appeal Brief filed on 12/27/2004, PROSECUTION IS HEREBY REOPENED.

A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) File a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) Request reinstatement of the appeal.
If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 7, 12 and 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term " less/more transparent " renders the claims indefinite because it is unclear about a point that must be exceeded to begin producing the less or more transparencies or given effect to elicit a response. Examiner would like to know what are the ranges of the transparencies of the claim invention, since Applicant claims less/more transparencies? Does Applicant mean less/more transparencies equivalent to opaque and brightness modes? Does Applicant compare less/more transparencies with a background or/and foreground object(s)?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-9 and 11-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Kuriyama et al, hereinafter Kuriyama, and further in view of Cobbley et al. hereinafter Cobbley.

1. Re. claims 1 and 8.

Kuriyama in fig. 1 illustrates a front view of a portable information communication device, which covers the preamble of the claim, as follows: "A portable computer controlled user interactive touch responsive read/write display pad comprising". Kuriyama in figs. 3 illustrates the following part of the claim: "a display screen displaying text and graphics". Kuriyama in fig. 2 illustrates a tablet 13 of a touch panel 14 has a transparent flat area corresponding to the display area of the display panel 12 and superposed on the display screen of the panel 12, see following section of the claim: "a transparent touch sensitive pad covering said display screen". Kuriyama in fig. 3B illustrates cursive drawing touch input for displaying such drawing on said display screen. Kuriyama in fig. 3A illustrates displaying a full character keyboard on the display screen. Kuriyama in figs. 3 illustrates responsive to touch inputs to characters on the keyboard for displaying the touch keyboard inputs as text entries within said displayed text and graphics.

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Kuriyama in figs. 3 illustrates a “switch” i.e. relating to a program that responds to user activity, see last part of the claim: “means for selectively rendering either one of said means responsive to cursive drawing or said means responsive to inputs to touch keyboard non-interactive, while the other of said means remains interactive to thereby permit the unimpeded functioning of the means remaining interactive”. Examiner’s interpretation: The claim invention does not clearly specify what the claim invention claims, however, the interpretation concludes that the claim invention includes a port for attaching an external input e.g. a keyboard. The first prior art Kuriyama in fig. 2 illustrates items as key-in and radio unit i.e. considered as inputs, beside the tablet display and controller. Kuriyama does not explicitly specify the touch sensitive keyboard is transparent to the text or graphic area. But, Cobbley in col. 2, lines 28-45 teaches focusing (transparency) may be changed by using a hardware button, see fig. 1, 514.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute applicant’s described structure by modifying Cobbley’s transparency support 202 in fig. 3 into Kuriyama’s fig. 2 sections rom 22 and ram 23 in order to display on 12 using display driver 12a. This modification may be accomplished what the claim invention claims.

2. Re. claims 2, 9 and 11, Cobbley in fig. 1 illustrates the claim invention.
3. Re. claims 4, 5, 7, 12 and 14, Cobbley in col. 2, lines 28-45 teaches focusing (transparency) may be changed by using a hardware button, see fig. 1, 514.
4. Re. claims 6 and 13, see rejection of claim 1.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini
Examiner
Art Unit 2672

Javid Amini


MICHAEL RAZAVI
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